

**From:** [Amy Defreese](#)  
**To:** [Jay Martini](#)  
**Subject:** RE: Revised GSG Mitigation Framework - for review  
**Date:** Friday, May 23, 2014 9:57:12 AM

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Thanks – here are some thoughts:

The Duration standard on pages 6 and 12 is interesting. My interpretation is that it isn't unreasonable to ask for compensatory mitigation projects to be up and running prior to impacts on the ground. What do you think?

I like the emphasis on monitoring, too.

In general, I wonder how BLM is going to deal with long term management and protection of compensatory mitigation sites that fall on their lands. What keeps these lands from future oil and gas development for example? Then, when there are proposed impacts to compensatory mitigation sites, how are those impacts compensated. At a double ratio? This situation has actually occurred a fair number of times with wetland mitigation sites under the Corps' 404 program.

I spent a lot of time thinking about and negotiating compensatory mitigation packages when I was with the Corps 404 Regulatory Program. In reality, negotiating and developing compensatory mitigation plans that have financial assurances, land protection mechanisms like conservation easements, and monitoring plans takes a TON of time ... a longer time period than it seems most lead agencies want to spend. So let's say you don't know what the preferred alternative is until the DEIS. Until that time, the applicant and lead agency typically don't want to commit to any compensatory mitigation. And really, it is hard to talk about it until you have a good idea of the level and intensity of impacts. All of a sudden you have maybe 6 months to negotiate the compensatory mitigation package if you want it included as a condition of the land use authorization. I didn't read this mitigation document super carefully, so I'm wondering if that has been considered. There could be a paragraph somewhere that addresses this problem and encourages cooperating agencies, during the NEPA process, to get started early to develop compensatory mitigation packages. I'd take it even farther and say that FWS should really push lead agencies like the BLM to require a fully vetted compensatory mitigation package for inclusion in the Draft EIS when it is released to the public. We can make these recommendations in our scoping comments, but my experience is that no one really listens because there are no "teeth" behind the recommendation.

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**From:** Martini, Jay [mailto:[jay\\_martini@fws.gov](mailto:jay_martini@fws.gov)]  
**Sent:** Friday, May 23, 2014 8:03 AM  
**To:** Amy Defreese  
**Subject:** Fwd: Revised GSG Mitigation Framework - for review

If you time, interest, want to comment, or just want to take a look at mitigation stuff, here ya go.

----- Forwarded message -----

From: **Shauna Ginger** <[shauna\\_ginger@fws.gov](mailto:shauna_ginger@fws.gov)>

Date: Thu, May 22, 2014 at 5:38 PM

Subject: Revised GSG Mitigation Framework - for review

To: [Kathy\\_Hollar@fws.gov](mailto:Kathy_Hollar@fws.gov), "DeBerry, Drue" <[drue\\_deberry@fws.gov](mailto:drue_deberry@fws.gov)>, Paul Henson <[paul\\_henson@fws.gov](mailto:paul_henson@fws.gov)>, Ronald Baxter <[ronald\\_baxter@fws.gov](mailto:ronald_baxter@fws.gov)>

Cc: Jeff Berglund <[jeff\\_berglund@fws.gov](mailto:jeff_berglund@fws.gov)>, Jay Martini <[jay\\_martini@fws.gov](mailto:jay_martini@fws.gov)>, Terry Ireland <[terry\\_ireland@fws.gov](mailto:terry_ireland@fws.gov)>

Mitigation Team,

Attached is the revised range-wide mitigation Framework. It has been updated to reflect our state and federal partner comments and to align with the DOI Mitigation Report, developing FWS national mitigation policy, and other language coming out of sage-grouse leadership discussions.

I recommend we have a quick call in about a week to share initial thoughts on any red-flag issues (some of which I've highlighted in yellow) and discuss the next steps (e.g. does the document need more editing or other internal review?). Please indicate your availability on this doodle poll: <http://doodle.com/9szmwqn8wtzfwzim>

If you have time, detailed feedback is always appreciated, though my main concern is making sure we're aligned range-wide, we're covering all the mitigation bases, and that we can provide a product to states and the BLM that is useful.

Thanks!

Shauna

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